IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9778 OF 2004

Mukesh Dhanraj Maheshwari ... Petitioner

Versus

Nasik Municipal Corpopration and Anr. ... Respondents

Mr. V.Z. Kankaria for Petitioner.

Mr. R.V. More for R. No. 1.

Mr. P.N. Joshi for R. No. 2.

CORAM : F.I. REBELLO & DR.D.Y.CHANDRACHUD,JJ.
DATED : FEBRUARY 07, 2006

P.C.

. Rule. Heard forthwith.

. Considering the controversy, the petition can be disposed of by issuing directions.

. It is the grievance of the Petitioner that Respondent No. 2 has put up an illegal construction. It is further his grievance that in fact Respondent No. 1 has passed some order but are not enforcing the order. No copy of such order

has been placed before this court.

. On the other hand on behalf of Respondent No. 2 their learned counsel submits that they have done no illegal construction and they are tenants of the premises given to them by the Petitioner.

. Considering the controversy, it is not necessary for us to go into the issue, suffice it to say that it will be open to the petitioner herein to file representation before the Deputy Municipal Commissioner setting out his grievances within two weeks from today with a copy endorsed to Respondent No. 2. The Respondent No. 2 on receipt of said copy to file a reply within 15 days thereafter with a copy endorsed to the Petitioner.

. The Petitioner and Respondent No. 2 thereafter to appear before the Deputy Municipal Commissioner on 14.3.2006 at 11.00 a.m. for further directions. The Deputy Municipal Commissioner thereafter may hear the parties, if he is so advised and to pass appropriate orders according to law within the period of four weeks thereafter. Rule made

absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)